

KETH DAVID WILSON
Name and Prisoner/Booking Number

Minnehaha County Jail
Place of Confinement

500 North Minnesota Avenue
Mailing Address

Sioux Falls, South Dakota 57104
City, State, Zip Code

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

KETH DAVID WILSON
(Full Name of Plaintiff)

Plaintiff,

vs.

MIKE MATSON, WARDEN, ET AL.

(Full Name of Each Defendant)

Defendants.

Case No. 19-cv-4197
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
- ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 - ☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
 - ☐ Other: (Please specify.) _____

2. Name of Plaintiff: Keith David Wilson, Minnehaha County Jail
Present mailing address: 500 N. Minnesota Ave, Sioux Falls, SD 57104
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: Minnehaha County Jail
Sioux Falls, SD

3. Name of first Defendant: Mike Mattson. The first Defendant is employed as:
Warden at Minnesota County Jail.
(Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Burden plaintiff's religious and first amendment religious belief.

4. Name of second Defendant: John A. Doe. The second Defendant is employed as:
Summit Foods, Inc. at Minnesota Co. Jail.
(Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Burden plaintiff's religious and first amendment religious belief.

5. Name of third Defendant: 76. The third Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____.

6. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____.

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No

2. If your answer is "yes," how many lawsuits have you filed? ONE. Describe the previous lawsuits in the spaces provided below.

3. First prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: Keith David Wilson

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

Minnehaha County

c. Case or docket number: unknown

d. Claims raised: Land issues

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

4. Second prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

5. Third prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

Wilson contends that he was and still is being unconstitutionally denied and fed insufficient non-kosher meals and food knowing full well that he is an Orthodox Jew.

Upon entering the Minnehaha County Jail in Sioux Falls, South Dakota, the Plaintiff, Keith David Wilson requested that he receive "kosher" meals consistent with his religious observance, but was denied said request due to a claimed allergy to "soy". In fact, the actual written reply to Plaintiff Wilson's grievances state:

"Your medical diet supersedes your request for a kosher diet. There is not a soy free option with the kosher diet."

(citing Inmate Grievance ID#1209884).

The Plaintiff in this case - Keith David

Wilson has considered himself to have converted to Orthodox Judaism whom generally follows the more stringent Ashkenazi rules; identified himself as such upon entering the jail to Jail Officials - he follows Jewish law faithfully, although Wilson has not as of date completed the arduous process of formal conversion to Judaism before his incarceration into the Minnehaha County Jail. However, he was in full and faithful process of conversion at the time of his having been jailed.

In particular, Wilson has followed the dietary laws of "kashrut," which required him to eat meals that were "kosher" in their ingredients, composition, and preparation.

The "kosher" diet adheres to the Jewish "laws of Kashrut," and is derived from the laws of the Bible (the "written Torah") and from the rabbinic Oral Torah, which is preserved in the Talmud and related texts. The majority of the "kosher" laws are not contained in the Old Testament, but were

developed through the oral tradition and the Talmud.

The kosher meals received at the Minnehaha County Jail are produced in a factory for Summit Foods, Inc, frozen, and then shipped to the Jail where they are reheated before being served to the inmates. The kosher meals received at this Jail do not contain meat, but in fact, include "soy" and "soybean products" that are made to look and taste like meat.

Plaintiff Wilson claims that he is entitled a reasonable accommodation of his religious dietary needs. Nonetheless, Plaintiff Wilson has had "all opportunity" taken from him not only from exercising his religious held faith, but also has had withheld any and all "reasonable opportunity to any and all religious dietary accommodations by order of the Defendants

First Amendment, as well as the PLUTPA and RFRA (42 U.S.C. Sec. 2000cc, Sec. 3 and 42 U.S.C. Sec. 2000bb), and the 24th Amendment of the United States Constitution.

Plaintiff Wilson claims because of the very violation list above, it must be explained and otherwise made a part of this complaint the laws of kosher or of kashrut are not followed when kosher meal preparation takes place by staff of Summit Foods, Inc. Said Staff and Defendants (Summit Foods, Inc) have no personal knowledge of or in the laws of kashrut or the Rules of Ashkenazi. Thus, Plaintiff Wilson explains that it is assumed that a person(s) without a personal commitment to Judaism and kosher food under the Ashkenazi rules cannot be entrusted with the responsibility of protecting the integrity of the laws of kashrut. As an example, such supervision is required in restaurants that are certified kosher. Supervision is, in other words, "part and

parcel of the laws of kosher, kashut, and Ashkenazi. Notably, it is "undisputed that there is no rabbinical supervision and there is no specific training as to Jewish dietary laws" at MCT or Summit Foods, Inc.

Plaintiff notes that "supervision doesn't make this kosher; it just ensures that they are kosher. For that cause, it is undisputed that kosher food can become non-kosher, as it has in this case - depending upon how it is prepared and handled.

It is noted that soy is not meet and kosher meals are to be prepared in and with meet - soy and soybean products are a violation of kosher because it is not within Ashkenazi rules - Thus, Defendants are in violation of the United States Constitution and laws of the Courts thereunder.

The word "Kosher" is derived from

the Hebrew word "kashrut," and means 'fit' or 'ritually correct' according to Jewish dietary laws.

Here at Minnehaha County Jail, there is no Rabbi with which that inspects the Jail kitchen at any time to ensure that the kosher meals complied with "all" the requirements of Orthodox Jewish law, and, no Rabbi ever comes in a blesses the meals as should take place under the laws of kashrut. Blessing the meals are apart of making them kosher - if there is no blessing, there is no kosher. Thus, Defendants' are in violation of Plaintiff Wilson's constitutional rights to receive true kosher meals, under the first amendment.

Substantive Due Process Claim

Plaintiff Wilson claims a violation in his substantive due process which prevents the Defendants from engaging in conduct

that "shocks the conscience" or "interferes with" his rights implicit in the concept of ordered liberty. That is, the Defendants have violated Plaintiff Wilson's substantive due process when they infringed on his fundamental liberty interests, without narrowly tailoring the interference to serve a compelling state interest.

The Constitution and laws therefrom have been violated whereas Plaintiff's fundamental liberty interests includes the specific freedoms protected by the first amendment have been deeply violated by the Defendants. That is, at the heart of liberty protected by Fourteenth Amendment is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Plaintiff Wilson has a fundamental liberty interest in practicing his religion freely - without limits - a freedom protected by the First Amendment.

Plaintiff Wilson has alleged that defend-

ants have placed restraints unneeded on his practice of religion that is not narrowly tailored to serve a compelling state interest. Thus, plaintiff finds that he has stated a plausible claim against defendants of violation of his substantive Due Process rights.

Plaintiff Wilson claims that "if" Congress shall make no law... prohibiting the free exercise [of religion], then the Defendants likewise are prohibiting from doing so by denying religious kosher meals - of which, is a form of prohibiting a free exercise of religion, but which is unconstitutionally taken by Defendant - constituting a form of punishment without due process of law, as a pretrial detainee

That as a pretrial detainee, he had not been adjudged to be guilty of any crime as of date of this complaint and, therefore, Defendants without cause punished Plaintiff Wilson by taking his rights of religion and its freedoms without due process. Defendants only state that because Plaintiff has an allergy to "soy" that his requested kosher meals are denied - Defendants never stated that the kosher meals served at the Jail are cooked in "soy", or contained soy. Because of that fact, the religious meals served at Minnehaha County Jail are not

true and acceptable kosher food within Ashkenazi rules.

Plaintiff Wilson claims that Defendants have wilfully violated his First Amendment and Free Exercise Clause rights by imposing upon plaintiff Wilson and his religion a substantial burden not related to a legitimate penological interest by cooking and/or preparing kosher foods in "soy" when doing so violates the more stringent Ashkenazi Rules of Judaism.

American kosher foods generally follow the more stringent Ashkenazi rules. Thus, Ashkenazi Jews like Plaintiff Wilson DO NOT EAT CORN, SOY or SOYBEANS, legumes, rice, millet or other grains - to do so violates all that they believe in and stand for in and under Judaism laws. Thus, Defendants' have admitted that their kosher meals all are cooked, prepared and served with or in "soy" or soybean products - This violates the law of kosher; the law of kashrut and the

COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s): First Amendment of the United States Constitution

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | | |
|--|--|--|-----------------------------------|
| <input type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input checked="" type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

I have been punished for seeking to practice my religion by defendants when they denied me the right to receive kosher meals that are not themselves kosher - that is, Plaintiff was denied kosher meals because he is not medically allowed to eat soy - that all kosher meals are in fact, made from soy and that violates the laws of kosher, kashrut and Ashkenazi rules which mandate no soy be eaten - all meals of kosher are factually soy. Because the meals are cooked in "soy", they violate the laws of kashrut, which in turn, punish plaintiff Wilson. Defendants do not offer any alternate to soy and of

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).
Have been punished without Due Process of law - Have been refused rights to religious freedom - been punished for claiming right to practice religion.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. _____

the fact regarding whether plaintiff's religious exercise has been, and are still being substantially burdened and denied, by defendants, and each of them.

Plaintiff Wilson also claims and alleges that his Federally protected Statute rights under the Religious Land Use and Institutionalized Persons Act ("RLUIPA") have been violated in that the Defendants have actively imposed "a substantial burden upon the religious exercise of plaintiff Wilson whom is residing in or confined to the Minnehaha County Jail" by outright denying said plaintiff access to any and all kosher meals in furtherance of any compelling government interest; that even if such an interest is shown or justified by a claim that plaintiff's "medical diet" supersedes his request for a kosher diet, based upon having a "soy allergy" - such a demonstration is not the "least restrictive means" of furthering such compelling interest. Alternatively to the "Soy allergy" claim of the Defendants, for their substantial burden in denying plaintiff any and all kosher meals is the fact that, animals and or meats that

are considered kosher include:

- | | |
|---------------|-------------|
| 1.) goats | 7.) Turkey |
| 2.) Cows | 8.) Chicken |
| 3.) sheep | 9.) goose |
| 4.) antelope | 10.) duck |
| 5.) deer, and | |
| 6.) giraffes | |

Animals and meats 'not' considered kosher include:

- 1.) pigs
- 2.) rabbits
- 3.) Fish without scales
- 4.) fins
- 5.) shellfish

The above stated kosher foods are those listed and conformed to the Jewish dietary regulations of Kashrut (dietary law).

The Defendants claim that because of plaintiff's "soy allergy", he is denied any and all kosher meals and or diet. However, in coming to said decision,

the Defendants did not take into account any known alternate to "SOY". In other words, if it is not "soy", it is denied.

This "SOY" policy and or custom of the Defendants are those of the entity whereas it is the policy and custom of the Minnehaha County Jail to only provide kosher meals to inmates if said meals are made with or from "SOY".

The only furtherance of a compelling governmental interest is that Defendants pay far less for "soy" than it would for real meat products, for which is demanded to be consumed by the Jewish dietary regulations of kashrut (dietary law)

Plaintiff also claims that the Minnehaha County Jail receives federal funding. That as such, and as stated in RLUIPA, said defendants are willfully violating said ACT in that said Defendants are imposing a "substantial burden" on plaintiff's "religious exercise" where said defendants cannot

demonstrate that the imposition of such burden on Plaintiff Wilson is in furtherance of a compelling governmental interest. Notwithstanding the fact that said burden on Plaintiff's kosher diet is 'NOT' the least restrictive means in furthering the Defendants compelling governmental interest, if one is found at all.

Thus, Defendants are clearly in violation of RLUIPA and of Plaintiff's First Amendment rights inter alia as applied to the States via the Fourteenth Amendment to the United States Constitution.

6-12-2019

✓ KEITH DAVID WILSON
Keith David Wilson

COUNT III

1. The following constitutional or other federal right has been violated by the Defendant(s): _____

2. **Count III involves:** (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)
- | | | | |
|--|--|---|-----------------------------------|
| <input type="checkbox"/> Medical care | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

- ## 5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. _____

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

D. REQUEST FOR RELIEF

State briefly what you want the Court to do for you.

For being unconstitutionally punished and without just cause, Plaintiff seeks \$250,000.00 dollars.

For being denied his Jewish religious rights and denied his right to constitutional protections, he seeks \$250,000.00 dollars

Plaintiff seeks an order amending the way and form kosher meals are cooked - NO soy whatsoever

That alternate kosher meals are offered at no cost to Jail inmates.
Court cost; cost of the case; Attorney fees; filing fees; cost of alternate kosher foods

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

6-12-2019

DATE



SIGNATURE OF PLAINTIFF



(Name and title or paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.

KEITH DAVID WILSON
NORTH MINNESOTA AVENUE
FALLS South Dakota

57104

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